

**REMARKS/ARGUMENTS**

Claims 1-22 are currently pending. In a restriction requirement mailed on September 7, 2007, the Examiner required restriction under 35 U.S.C. §121 between:

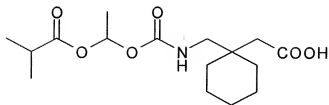
Group I: Claims 21 and 22, drawn to a pharmaceutical composition for treating a patient suffering from hot flashes or preventing hot flashes in a patient at risk of hot flashes comprising a therapeutically effective amount of a prodrug of a GABA analog or a pharmaceutically acceptable salt, hydrate or solvate thereof, and a pharmaceutically acceptable vehicle; and

Group II: Claims 1-20, drawn to a method for treating or preventing hot flashes in a patient comprising administering to the patient in need of such treatment or prevention a therapeutically effective amount of a prodrug of a GABA analog, or a pharmaceutically acceptable salt, hydrate or solvate thereof.

If Applicants elect Group II, the Examiner further requires an election of species from among the GABA analogs recited in claims 3, 15 and 16-20 (Office Action, page 5).

In accordance with 37 CFR §1.146, Applicants provisionally elect the subject matter of Group II, claims 1-20, without traverse, for further prosecution in this application. Applicants further provisionally elect the species wherein the method comprises administering the compounds of formula II which formula is recited in claim 16. The formula II compounds are prodrugs of the GABA analog gabapentin. Accordingly, at least claims 1-3 and 15-20, and potentially others, read on methods of administering the formula II compounds for treating or preventing hot flashes.

If the Examiner requires election of a single compound for purposes of conducting structure based searching, then Applicants provisionally elect the following compound:



The above compound is a specific prodrug of the GABA analog gabapentin. Accordingly, at least claims 1-3 and 15-20, and potentially others, read on methods of administering the above compound for treating or preventing hot flashes.

In making this species election, Applicants understand that the Examiner will follow the procedure which provides for a complete action on the merits of all claims readable on the elected species, and in *MPEP* § 803.02, whereby on the finding of allowable species, examination will continue with the non-elected species until all species have been examined or a non-allowable species is found.

In making the elections, the Applicants reserve the right to file one or more continuation applications, and/or divisional applications directed to the subject matter of the non-elected claims 21-22.

**CONCLUSION**

Applicants respectfully submit that the application is ready for examination on the merits, and request an early allowance of the claims.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication to Deposit Account No. 50-2319 (Order No. 459258-00131; Docket No. 34545/US/4).

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415)544-7015.

Respectfully submitted,  
DORSEY & WHITNEY LLP

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By: 

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